

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

TQP DEVELOPMENT, LLC §
§
V. § CIVIL ACTION NO. 2 :09-CV-279
§
TICKETMASTER ENTERTAINMENT, §
INC. ET AL §

MOTION TO DISMISS

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff TQP DEVELOPMENT, LLC and Defendants, COMCAST CORPORATION, COMCAST INTERACTIVE MEDIA, LLC, FANDANGO, INC., PLAXO, INC. and EXERCISE TV LLC file this Motion to Dismiss with Prejudice pursuant to Federal Rule of Civil Procedure 41(A) and move this Court for an Order dismissing with prejudice the claims and counterclaims between them in the above-captioned action and would respectfully show this Honorable Court as follows:

I.

All matters in controversy between the Plaintiff and Defendants COMCAST CORPORATION, COMCAST INTERACTIVE MEDIA, LLC, FANDANGO, INC., PLAXO, INC. and EXERCISE TV LLC have been settled and compromised. The parties agree that each party shall bear its own costs.

WHEREFORE, PREMISES CONSIDERED, Plaintiff and Defendants COMCAST CORPORATION, COMCAST INTERACTIVE MEDIA, LLC, FANDANGO, INC., PLAXO, INC. and EXERCISE TV LLC pray that this Honorable Court will enter a final Order dismissing the claims between them with prejudice with each party to bear its own costs and expenses.

Respectfully submitted,

/s/ Deron R. Dacus

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was filed electronically in compliance with Local Rule CV-5(a). Therefore, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed.R.Civ.P. 5(d) and Local Rule CV-5(e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of this document via email, facsimile and/or U.S. First Class Mail this 27th day of May, 2010.

/s/ Deron R. Dacus

Deron R. Dacus